



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

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March 5, 2001

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM:

Sheryl L. Walter
Acting Assistant Attorney General

SUBJECT:

Weekly Report for March 5, 2001 - March 9, 2001

~~THE WEEK AHEAD~~

Bankruptcy: The House passed H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2001, on March 1. Several amendments passed, including one eliminating the requirement that children's names be included in bankruptcy filings. The Senate Judiciary Committee passed its version of the bill, S. 220, by a vote of 10-8 (Senator Biden was the only Democrat to vote for the bill), on February 28, and the full Senate is expected to begin debate today. (Wilson)

Land Condemnation: On March 5, representatives from DOJ and the Army Corp of Engineers will brief staff from the South Carolina delegation on a condemnation action between the Georgia Department of Transportation and Jasper County, South Carolina. In the interest of equity, DOJ offered this meeting after scheduling a meeting with members of the Georgia delegation last week. (Pearlman)

Money Laundering: Criminal Division DAAG Mary Lee Warren will testify before the Permanent Subcommittee on Investigations of the Senate Committee on Governmental Affairs at a March 6 hearing on misuse by certain foreign banks or their criminal clients of U.S. correspondent accounts to launder money and evade taxes. We have been invited to comment on proposed legislation. The Department of the Treasury also has been requested to provide a witness. (Tanner)

Recent Presidential Pardons: On March 1, the Committee heard testimony from former White House Counsel Beth Nolan, former Assistant to the President Bruce Lindsey, former White House Chief of Staff John Podesta, and Jack Quinn about the Rich and Green pardons. Following Chairman Burton and Congressman Barr meeting with the Pardon Attorney, Roger Adams, on February 27th, House Government Reform Committee staff have asked to interview former Associate Deputy Attorney General Deborah Smolover about Department actions relating to the Vignali and Hendrick pardons. We expect that interview to occur sometime this week. They also asked to interview Neal Katyal, formerly in the Deputy Attorney General's office and now a professor at Georgetown University Law School. Committee staff have narrowed their

request for FBI documents from 12,000 to 6,000 pages and we are working with the United States Attorney in the Southern District of New York to arrange for review of those materials along with the 2,000 pages from the U.S. Marshals Service that are responsive to the Committee's request.

We are continuing to provide information to the Senate Judiciary Committee, following up on their February 14th hearing. Senator Feinstein has requested information about the Department's consultation with victims in the pardon review process, both before and after our internal regulation on victim notification became effective on September 28, 2000. We are working with her Committee staff to determine how we can respond to her questions, consistent with long-term executive branch interests in the confidentiality of the Pardon Attorney's deliberations. We also have continued to provide additional information about the 140 pardons issued on January 20th in response to questions from Senator Specter. We are advised by his staff that the Committee is contemplating a hearing on March 7 about either donations to Presidential libraries or the pardons of Messrs. Vignali, Braswell, Fain, and Rich. The staff report that, in either event, they do not expect to invite any Department witness. (Burton)

Combating Cyber Crime: The Criminal Division's Computer Crime and Intellectual Property Section have been asked to provide an educational briefing on combating cyber crime to Senate Judiciary staff for Chairman Hatch. This briefing is tentatively scheduled for March 7. (Daley)

Zuni River Basin: This week, representatives from DOJ will brief Senator Bingaman's staff on a lawsuit we filed on behalf of the Zuni Indian Pueblo to adjudicate the waters of the Zuni River Basin in New Mexico. As this is pending litigation, we will only discuss the background and other public information on this case. (Pearlman)

Election: On March 7, the Senate Commerce Committee (McCain, Chair) will hold a hearing on the need to reform the current election process. The witnesses will be the Secretaries of State for the States of Oregon, Georgia and Kansas; and representatives of the Paralyzed Veterans of America, the Leadership Conference on Civil Rights, AARP, and the National Council of La Raza. The Department has not been invited to testify at this hearing. (Scott-Finan)

SW Border - Prescription Drugs: The majority and minority staffs of the House Commerce Committee, which earlier requested separate briefings on the Controlled Substances Trafficking Prohibition Act of 1998, Public Law No. 105-357, which allows individuals to bring in up to 50 doses of controlled substances (other than Schedule I) without a prescription, have agreed to a joint briefing. Both staffs are concerned that the law is being abused by individuals making repeated trips to and from Mexico. We are coordinating among Customs, FDA/HHS, and interested components in this Department to ascertain the extent of the problem, identify potential solutions, and provide the joint briefing. (Tanner)

College Sports Gambling: Members of the Nevada delegation in the House of Representatives have asked the Department to provide technical comment on their bill, H.R. 641, on March 8. The bill is currently under review within the Department. (Daley)

S. 304 - Drug Treatment: On March 14, the Senate Judiciary Committee is expected to hold a hearing on S. 304, the Drug Abuse Education, Prevention, and Treatment Act of 2001, sponsored by Senators Hatch, Leahy, Biden, DeWine and Thurmond. DEA Administrator Donnie Marshall is scheduled to testify. (Tanner)

THE WEEK IN REVIEW

Hanssen Espionage Case: The Senate Intelligence Committee held a closed hearing on February 28. You, FBI Director Freeh and CIA Director Tenet testified. (Walter)

Congressional Black Caucus: You met with Congresswoman Eddie Bernice Johnson, Chair of the Congressional Black Caucus, on February 27 and spoke at the Congressional Black Caucus luncheon on February 28. (Scott-Finan)

Profiling: In response to the President's directive on racial profiling, on February 28 you sent letters to the Chair and Ranking Minority Member of both the House and Senate Judiciary Committees asking that legislation with concepts similar to those in legislation sponsored by Congressman John Conyers and Senator Russ Feingold be passed. (Scott-Finan)

Peru: The Senate Committee on Foreign Relations (Helms, Chair) requested a staff briefing from this Department, the Department of State, and the Central Intelligence Agency on information sharing with Peru concerning former Peruvian President Alberto Fujimori and former intelligence chief Vladimiro Montecinos. The briefing took place on March 2. The CIA declined to participate. Criminal Division DAAGs Bruce Swartz and Mary Lee Warren participated. (Tanner)

Education Consent Decrees: Staff from the Civil Rights Division and OLA met on March 1 with staff for Senators Shelby and Sessions to talk about the consent decree that affects the schools in Clay and Randolph Counties in Alabama. (Scott-Finan)

Consumer Privacy: On March 1, the Commerce, Trade and Consumer Protection Subcommittee (Stearns, Chair) of the House Energy and Commerce Committee held a hearing on concerns about the privacy of consumers making purchases online. The hearing focused on the constitutional limitations on Congress' power to pass legislation protecting consumer privacy. It is the first in a series of hearings planned by the Subcommittee on privacy. The Department was not invited to testify at this hearing. (Owen)

Plan Columbia: On February 28, the Senate Caucus on International Narcotics Control (Grassley, Chair) held a hearing on Plan Columbia. On March 2, the House Government Reform Committee's Subcommittee on Criminal Justice and Drug Policy (Souder, Chair) held a hearing on Plan Columbia. DEA Administrator Donnie R. Marshall testified at both hearings. (Tanner)

Council of Europe Cyber Crime Convention: On February 28, the Criminal Division's Computer Crime and Intellectual Property Section provided an informational briefing on the draft convention to staff for Chairman Hatch on Senate Judiciary. (Daley)

Wagering Tax Repeal: On February 27, at the request of the Joint Committee on Taxation, OLA accompanied the Criminal Divisions Organized Crime and Racketeering Section (OCRS) to a meeting with staff to discuss the pending recommendation to repeal this tax. After receiving an informational briefing from OCRS the Committee staff decided not to recommend repeal. (Daley)

New Jersey Split: On February 27, staff from the Executive Office of U.S. Attorneys, the U.S. Attorney's Office in New Jersey, the U.S. Marshals Service, and OLA met with staff for Representative Christopher Smith to talk about staff and costs if the District of New Jersey is split into a Northern and Southern judicial district. (Scott-Finan)

Bureau of Prisons (BOP): BOP Assistant Director for Health Services Phillip Wise and Medical Director Dr. Newton Kendig briefed staff for the House Judiciary Crime Subcommittee on organ transplant issues on February 22. Also on February 22, staff for Senators Biden, Durbin, and Harkin traveled to Cumberland, Maryland, with BOP staff to see a facility which has a drug treatment program. BOP Director Hawk Sawyer has invited the House Judiciary Crime Subcommittee Chairman and Ranking Minority Member to tour the Allenwood/Lewisburg prison. On February 28, Director Hawk Sawyer met with Congressman Lamar Smith. (Scott-Finan)